

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GENERAL ELECTRIC CO.,

Plaintiff,

-against-

DR SYSTEMS, INC.,

Defendant.  
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**ORDER**

CV 06-5581 (LDW) (ARL)

**LINDSAY, Magistrate Judge:**

Presently before the court is the defendant's letter motion dated June 29, 2007 seeking to compel the plaintiff to "fully respond" to interrogatory No. 2 pursuant to this court's May 25<sup>th</sup> order. Defendant also requests that the court find plaintiff in contempt of the May 25<sup>th</sup> order. Finally, defendant seeks a protective order suspending the July 9<sup>th</sup> deadline for it to provide responsive claims constructions. Plaintiff opposes the application by letter dated July 3, 2007 and cross-moves for a contempt order. For the reasons that follow, the contempt applications and requests for costs are denied and the defendant's motion to compel is granted in part and denied in part.

As a threshold matter, the court can find no basis to hold either party in contempt. Thus, the contempt applications are denied. The court next addresses the merit of the defendant's motion to compel a "full response" to interrogatory No. 2. Despite DR's assertion that it is improper for GE to use the same term as a definition, several courts have declined to require construction of a straightforward claim term beyond the term itself. See, e.g., W.E. Hall Company, Inc. v. Atlanta Corrugating, LLC, 370 F.3d 1343, 1350 (Fed. Cir. 2004); ASM America, Inc. v. Genus, Inc., 260 F. Supp.2d 827, 850 (N.D. Cal. 2002). Nonetheless, to the extent GE asserts that a term is straightforward and has a common meaning it must provide a source for the definition of each such term in order to avoid confusion. As DR points out, the word "tool" has more than one definition in the Merriam-Webster Dictionary and a completely different definition in the Computer Desktop Encyclopedia. DR should not have to guess at the intended meaning. GE shall therefore supplement its interrogatory responses and identify the source upon which it relies for any "straightforward claim terms" by **July 17, 2007**. DR's counter claims constructions shall be provided 10 days thereafter.

Dated: Central Islip, New York  
July 10, 2007

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge